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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/762,659	01/22/2004	Paul B. Moody	260-009 LOT9-2003-0110US1	5149
44185 7590 12/28/2007 LOTUS AND RATIONAL SOFTWARE McGuinness & Manaras LLP 125 NAGOG PARK ACTON, MA 01720			EXAMINER ABDUL-ALI, OMAR R	
			ART UNIT 2178	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/762,659

Applicant(s)

MOODY ET AL.

Examiner

Omar Abdul-Ali

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

The following action is in response to the Request for Continued Examination filed November 16, 2007. Amended Claims 1-31 are pending and have been considered below.

1. The prior art rejections have been withdrawn as necessitated by Applicant's Amendments.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-3, 5, 7, 11-13, 16, 17, 21-23, 26, 27, and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Curbow et al. (US 2003/0206619) in view of Knox et al. (US 7,076,533).

Claims 1, 11, 21, and 31: Curbow discloses a system and method of providing information describing detected uses of communication software applications by remote computer system users to local computer system users, comprising:

- a. obtaining, by an awareness client application process executing on a local computer system, from an associated awareness server application process executing

on a server computer system, an online status of a remote computer system user (page 4, paragraph 48);

b. presenting by said awareness application process, an awareness object associated with said remote computer system user, wherein said awareness object includes an indication of said remote computer system user, wherein said awareness object further includes an indication of said online status of said remote computer system user (page 4, paragraph 48);

Curbow discloses obtaining, by said awareness client application process on said local computer system, responsive to said presenting said awareness object associated with said remote computer system user, communication mode activity information regarding said remote computer system user, wherein said communication mode activity information describes the previous use of a communication application used by said remote computer system user (page 4, paragraph 55). Specifically, Curbow keeps track of which device was previously used when the address book application was accessed for example (page 3, paragraph 41). Curbow does not explicitly disclose said communication mode activity information describes the previous use of a plurality software applications including an electronic mail application. Knox discloses a similar method and system for providing information describing detected uses of communication software applications that further discloses reporting a user's previous email activity information and a user's internet application usage history (Figure 2). Curbow further discloses that user applications may update the user's activity, including when a user reads their email. It would have been obvious to one having ordinary skill

in the art at the time the invention was made to provide information describing the previous use of a plurality of different communication software applications including an electronic mail application in Curbow because describing previous usage of software applications was recognized as part of the ordinary capabilities of one skilled in the art. One would have been motivated to provide information describing the previous use of a plurality of communication software applications including an electronic mail application in order to determine the frequency a user accesses each of their communication applications.

d. detecting a selection of said awareness object associated with said remote computer user by said local computer system user (page 4, paragraph 54);

e. presenting, by said awareness client application process, said communication mode activity information regarding said remote computer system user in a display for said local computer system (page 4, paragraph 55);

Claims 2, 12, and 22: Curbow and Knox disclose a method and system of providing information describing detected uses of communication software applications by remote computer system users to local computer system users, and Knox further discloses said communication mode activity information further comprises a time at which said electronic mail application was used by said remote computer user (Figure 2).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to disclose a time at which said e-mail application was used in Curbow. One would have been motivated to disclose a time at which said e-mail

application was used in order to determine the frequency a user accesses an email application.

Claims 3, 13, and 23: Curbow and Knox disclose a system and method of providing information describing detected uses of communication software applications by remote computer system users to local computer system users, and Curbow further discloses said communication mode activity information further comprises at least one resource (device) used when said e-mail application was used by said remote user (page 4, paragraph 55).

Claim 5: Curbow and Knox disclose a system and method of providing information describing detected uses of communication software applications by remote computer system users to local computer system users as in Claims 3, 13, and 23 above and Curbow further discloses indicating to remote users that two users are currently engaged in conversation (page 4, paragraph 51). This system does not explicitly disclose that the communication mode activity information further comprises a time duration for which one of said communication software applications was used by said remote computer system user, however Official Notice is taken that it is old and well known in the art to display the time duration of conversations in real time. Time duration displays are used by the computer arts to inform the user of the remaining time when accessing a pre-paid resource. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to disclose the time duration

of a conversation between two parties to a remote user. One would have been motivated to display the time duration of the call to allow a local user to estimate how long the remote user will be busy.

4. Claims 4, 6, 7, 14, 17, 24, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Curbow et al. (US 2003/0206619) in view of Knox et al. (US 7,076,533) and further in view of Rockey et al. (US 2005/0108232).

Claims 4, 14, and 24: Curbow and Knox disclose a system and method of providing information describing detected uses of communication software applications by remote computer system users to local computer system users as in Claims 3, 13, and 23 above, however neither reference explicitly discloses said at least one resource comprises a file used by said e-mail application. Rockey discloses a similar method and system of providing information describing detected uses of communication software applications that further discloses tracking the status of a file forwarded between plural users using an e-mail application (page 4, paragraph 37). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to include a file used by said electronic mail application in Curbow. One would have been motivated to include a file used by said electronic mail application in order to monitor additional activity of a remote user.

Claim 6: Curbow and Knox disclose a system and method of providing information describing detected uses of communication software applications by remote computer system users to local computer system users as in Claim 5 above, and Curbow further discloses the identity of another user with whom said remote computer system user communicated with using a phone (page 4, paragraph 51). However neither reference explicitly discloses said communication mode activity information further comprises an identity of another user with whom said remote computer system user communicated using said electronic mail application. Rockey discloses a similar method and system of providing information describing detected uses of communication software applications that further discloses tracking a forwarded message between plural users by listing who the message and document were sent to at specific times (page 4, paragraph 37/Figure 6). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to disclose an identity of another user with whom said remote user communicated using said electronic mail application. One would have been motivated to disclose an identity of another user with whom said remote user communicated using said e-mail application for monitoring purposes.

Claim 7: Curbow, Knox, and Rockey disclose a system and method of providing information describing detected uses of communication software applications by remote computer system users to local computer system users as in Claim 6 above, and Rockey further discloses an indication of whether said remote computer system user initiated a communication session (Figure 6/"Manuf Rep forwarded the document to:

John Sub Contractor"). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide an indication of whether said remote computer system user initiated a communication session in Curbow. One would have been motivated to provide an indication of whether said remote computer system user initiated a communication session for monitoring purposes.

5. Claims 8-10, 18-20, and 28-30 rejected under 35 U.S.C. 103(a) as being unpatentable over Curbow et al. (US 7,076,043) in view of Knox et al. (US 7,076,533) and further in view Godefroid et al. (US 6,697,840).

Claims 8, 18, and 28: Curbow and Knox disclose a system and method of providing information describing detected uses of communication software applications by remote computer system users to local computer system users as in Claims 1, 11, and 21 above, but neither reference explicitly discloses presenting an interface to said user of said local computer system, that indicates whether communication mode activity information regarding said user of local system is to be shared with others. Godefroid discloses a similar system for presence awareness in collaborative systems, that further discloses that queries regarding the private data of a user, for example, recent collaborative activities can be allowed or disallowed (column 6, lines 12-18). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to specify whether the communication mode activity information in Curbow is allowed to be accessed by remote users. One would have been motivated to

specify which communication mode activity information is available for privacy purposes.

Claims 9, 19, and 29: Curbow, Knox, and Godefroid disclose a system and method of providing information describing detected uses of communication software applications by remote computer system users to local computer system users as in Claims 1, 11, and 21 above, and Godefroid further discloses presenting an interface to a local user that enables the user to specify which communication mode activity information regarding said user is to be shared with other users (column 6, lines 12-18). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to specify which communication mode activity information is to be shared with others. One would have been motivated to specify which communication mode activity information is available for privacy purposes.

Claims 10, 20, and 30: Curbow, Knox, and Godefroid disclose a system and method of providing information describing detected uses of communication software applications by remote computer system users to local computer system users as in Claims 1, 11, and 21 above, and Godefroid further discloses queries regarding the private data of a user can be explicitly allowed or disallowed (column 6, lines 12-18). Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to present an interface to a user that enables the user to specify one or more users with which the communication mode activity information is to be shared. One

would have been motivated to specify which communication mode activity information is available to certain colleagues for privacy purposes.

6. Claims 15 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Curbow et al. (US 7,076,043) in view of Knox et al. (US 7,076,533) and further in view of Jacobs et al. (US 2001/0044736).

Claims 15 and 25: Curbow and Knox disclose a system and method of providing information describing detected uses of communication software applications by remote computer system users to local computer system users as in Claims 13 and 23 above, but neither reference explicitly discloses said communication mode activity information further comprises a time duration for which said electronic mail application was used by said remote computer system user. However, tracking the time duration of application usage is old and well known in the computer arts. Jacobs discloses charging internet and e-mail users based on usage e.g., additional charges for on-line time beyond a prescribed level. It would have been obvious to one having ordinary skill in the art at the time the invention was made to add this timing feature to Curbow because it was a known technique at the time the invention was made. One would have been motivated to disclose a time duration for which said electronic mail application was used by said remote computer system user for monitoring purposes.

7. Claims 16, 17, 26, and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Curbow et al. (US 7,076,043) in view of Knox et al. (US 7,076,533) further in view of Jacobs et al. (US 2001/0044736) and further in view of Rockey et al. (US 2005/0108232).

Claims 16 and 26: Curbow, Knox, and Jacobs disclose a system and method of providing information describing detected uses of communication software applications by remote computer system users to local computer system users as in Claims 15 and 25 above, and Curbow further discloses the identity of another user with whom said remote computer system user communicated with using a phone (page 4, paragraph 51). However neither reference explicitly discloses said communication mode activity information further comprises an identity of another user with whom said remote computer system user communicated using said electronic mail application. Rockey discloses a similar method and system of providing information describing detected uses of communication software applications that further discloses tracking a forwarded message between plural users by listing who the message and document were sent to at specific times (page 4, paragraph 37/Figure 6). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to disclose an identity of another user with whom said remote user communicated using said electronic mail application in Curbow. One would have been motivated to disclose an identity of another user with whom said remote user communicated using said e-mail application for monitoring purposes.

Claims 17 and 27: Curbow, Knox, Jacobs, and Rockey disclose a system and method of providing information describing detected uses of communication software applications by remote computer system users to local computer system users as in Claims 16 and 26 above, and Rockey further discloses an indication of whether said remote computer system user initiated a communication session (Figure 6/"Manuf Rep forwarded the document to: John Sub Contractor"). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide an indication of whether said remote computer system user initiated a communication session in Curbow. One would have been motivated to provide an indication of whether said remote computer system user initiated a communication session for monitoring purposes.

Response to Arguments

8. Applicant's arguments with respect to claims 1-24 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. Schumacher (US 20020099690);
- b. Horvitz (US 2005/0084082);


c. Rahman et al. (US 20020160748).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Omar Abdul-Ali whose telephone number is 571-270-1694. The examiner can normally be reached on Mon-Fri(Alternate Fridays Off) 8:30 - 6:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen Hong can be reached on 571-272-4124. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OAA
12/20/2007



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SUPERVISORY PATENT EXAMINER